HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 20829 OF 2005

Dated 06-10-2005

Between :

1. The Senior Divisional Personal Officer, S.C. Railway, Secunderabad Division, V Floor, Sanchalan Bhavan, Secunderabad and another.

…….Petitioners.

And:

Stanly Paul. P., son of P.C. Paul, aged 35 years, Occupation: Technician, O/o. Section Engineer/TRD/PST. Ramagundam, Karimnagar District, A.P. 505 208.

…….Respondent.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by the writ petitioner against the order passed in O.A. No. 1358 of 2005, on 06-05-2005 by the A.,P. Administrative Tribunal, Hyderabad, under which O.A. was allowed with the observations as mentioned therein.

The writ petitioners are the respondents and the respondent herein is the applicant before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application under Section 19 of the Administrative Tribunals Act, 1985 in O.A. No. 1358 of 2005 seeking to call for the records pertaining to the

payment of overtime maintained in the office of the 2nd respondent and seeking a direction to the respondents to pay the overtime allowance of the applicant, i.e., an amount of Rs.7,585/- for the period endings 09-10-1999, 23-10-1998, 26-02-2000, with interest at the rate of 24% p.a., and seeking to declare the action of the respondents as illegal and arbitrary. The Tribunal having relied on the statement submitted by the learned counsel for the respondents as to the particulars of overtime observed that the applicant is entitled to get the overtime allowance for the total hours he worked on the rest days and thereby, allowed the O.A. to the extent indicated below :

> *"that the respondents are directed to pay the overtime allowance for the hours he worked beyond office hours shown in the additional documents submitted by the respondents on 28-4-2005 with interest at the rate of 12% pa., from the date of his entitlement till the date of actual payment within a period of two months from the date of receipt of a copy of the order impugned. It is further directed that if the applicant is further aggrieved by the payment of the overtime allowance on the rest day as mentioned above, the applicant, if so advised, may make a representation to the respondents to get the overtime allowance worked on the rest days within a period of two weeks from the date of payment and if such a representation is received by the respondents, the respondents shall consider the representation of the application and pass appropriate order as per rules within one month from the date of representation of the applicant".*

Aggrieved by the same, the present writ petition has been filed by the writ petitioners.

Heard both sides. We have perused the material available on record.

There is no dispute as to the entitlement of the over time allowance for working beyond the normal working hours. Except baldly stating that the respondents have never admitted that the applicant is entitled to the overtime allowance, no pains have been taken by the learned counsel for the respondents to place any material before this Court contradicting the claim of the applicant. Even the statement submitted by the learned counsel for the respondents discloses that the applicant has worked overtime beyond the normal working hours and basing on that and even on the fair submission before the tribunal that the applicant is entitled to over time allowance, the tribunal has rightly observed that the applicant is entitled to draw the overtime allowance as indicated therein. Therefore, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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Justice T. MEENA KUMARI

Date : 06-10-2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 20829 OF 2005

(Order delivered by the Honourable

Smt. Justice T. Meena Kumari)

Dated 06-10-2005